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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/017,368	12/13/2001	Mark S. Moriconi	BEAS-01453US3	8047

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EXAMINER	
POLTORAK, PIOTR	
ART UNIT	PAPER NUMBER
2134	

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	01/30/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No.	Applicant(s)	
	10/017,368	MORICONI ET AL.	
	Examiner	Art Unit	
	Peter Poltorak	2134	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *12/27/06*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-9 and 21-31* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-9 and 21-31* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

KAMBIZ ZAND
PRIMARY EXAMINER

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date *11/21/06 and 12/27/06*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

1. An amendment received on 12/27/06 has been entered and carefully considered.

1. Applicant's amendment introduced new limitations into independent claims 1, 7, 21, 26 and 30-31. The newly introduced limitation has required a new search and consideration of the pending claims. The new search has resulted in newly discovered prior art. New grounds of rejection based on the newly discovered prior art follow below.

2. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior office action.

Response to Amendment

2. Applicant arguments are mainly directed towards the independent claim 1 that is substantially similar (also similarly amended) to independent claims 7, 21, 26 and 30-31.

3. Applicant argues Bronlie in view of Donohue's disclosure of updating security policy "as defined in claim 1". Applicant argues that "Donohue does not appear to be at all concerned with updating any security policy on the network" and that "installing new versions of computer software programs is not the same as these features of claim 1".

4. The examiner points out that Donohue discloses the update mechanisms implemented in the art of computing. As a result Brownlie in view of Donohue is concern is relevant to update process of security policy.

5. Applicant also argues the examiner's statement that "keeping track of a series of incremental changes of the security policy, computing an accumulated delta that reflects the series of incremental changes and sending the accumulated delta to the security engine from the policy manager such that the security engine uses the delta to update the local customized security policy" would have been an obvious variation of possible security implementations, stating that a plurality of rules can include hundreds or thousands of access rules which are constantly being updated and modified by various users or applications and as a result the claimed method would provide efficiency.
6. The examiner points out that efficiency of applicant's invention has never being questioned. In fact, the examiner provided additional commonly recognized benefits of such an implementation. However, updating by either use of a full update or incremental updates is simply an obvious variation of data update methodology well known in the art, as illustrated in this Office Action by Brownlie and Donohue as well as commonly encountered in implementation of Microsoft patches, routing information synchronization and Anti-Virus software definition files updates.
7. Applicant arguments directed towards the newly added limitations are addressed in this Office Action, below.

8. Claims 1-9 and 21-31 have been examined.

Claim Objections

9. Claims 1-9 and 21-31 are objected to because of the following informalities: claims 1, 21, 26 and 30-31 recite: "the application" followed by "an application". For purposes of further examination the phrase is treated as though applicant mixed the order of the terms.

   Appropriate correction is required.

Claim Rejections - 35 USC § 103

10. Claims 1-2, 5, 7-8, 21-31 are rejected under 35 U.S.C. 103(a) as obvious over *Johnson (U.S. Patent No. 6295607) in view of Brownlie et al. (U.S. Patent No. 6202157)* and further in view of *Donohue (U.S. Patent 6199204).*

    Johnson discloses a policy manager, coupled to a network, including a database for storing a customized security policy including a plurality of rules that control user access to applications used to evaluate an access request by matching it to one or more of the plurality of rules and granting or denying access to the application based on the evaluation *(col. 5 lines 23-37, col. 5 line 66-col. 6 line 5 and Fig. 5).*

11. *Johnson* does is silent regarding the policy manager including a policy distributor, coupled to the database, for distributing the plurality of rules through the network to a security engine located on a client coupled to the network, and the security engine storing a set of the plurality of rules constituting the local customized security policy received through the network from the policy distributor and for enforcing the customized security policy locally at the client.

Brownlie et al. discloses a policy manager including a policy distributor, coupled to a database, for distributing plurality of rules through the network to a security engine located on a client coupled to the network and not coupled to an application; the security engine storing a set of the plurality of rules constituting the local customized security policy received through the network from the policy distributor and for enforcing the customized security policy locally at the client *(Brownlie et al., col. 3 line 25 -col. 4 line 2, col. 4 lines 47-50 and col. 7 lines 1-49).*

Both *Johnson* and *Brownlie et al.'s* systems are directed towards policies in the network environment. Thus, the advantages of the systems of *Johnson* and *Brownlie et al.* could have been easily combinable with more than reasonable expectations of success. Additionally, it would have been obvious to one of ordinary skill in the art at the time of applicant's invention to include policy distributor in the policy manager, for distributing the plurality of rules through the network to a security engine located on a client coupled to the network, and the security engine to store a set of the plurality of rules constituting the local customized security policy received through the network from the policy distributor and for enforcing the customized security policy locally at the client as taught by *Bronwlie et al.* One of ordinary skill in the art would have been motivated to perform such a modification in order to provide flexible policies for differing nodes or for differing environments.

Johnson in view of *Brownlie et al.* is silent in regard to the specific implementation of incremental changes to a security policy. Specifically, *Johnson* in view of *Brownlie et al.* do not disclose that updates involve keeping track of a series of incremental

changes, computing an accumulated delta that reflects the series of incremental changes and sending the accumulated delta to the subject implementing the changes (the security engine) from a distributor (the policy manager) such that the subject uses the delta to update the current setting (the current local customized security policy).

Donohue discloses the process of updating computing systems that involves keeping track of a series of incremental changes *(Donohue, col. 7 line 59-col. 8 line10 and Fig. 2)* computing an accumulated delta that reflects the series of incremental changes *(e.g. col. 7 line 66-col. 8 line 2 and col. 9 lines 44-58)* and sending the accumulated delta to the subject implementing the changes from a distributor such that the subject uses the delta to update the current setting *(Donohue, col. 4 line 23-28)*.

It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to compute an accumulated delta that reflects the series of incremental changes and send the accumulated delta to the subject implementing the changes from a distributor such that the subject uses the delta to update the current setting giving the benefit of more efficient updates of security policies *(e.g. providing additional features on an incremental basis such that clients receive new product features sooner and with no effort)* while saving network bandwidth.

12. The examiner also points out that the new limitations are simply an obvious variation of possible security change implementations. In network environment it is infeasible to ensure that incremental changes are implemented by all subjects (clients with

security engines) at the same time. For example, in addition to subjects available for updates, some may be shut down (e.g. a user taking vacation) and some may not be even in a distributor network (e.g. a user taking a laptop for a business trip). As a result, comprehensive updates to already present policy must account for the time difference that results in a different set of incremental changes distributed to policy subjects. Thus, it would have been obvious to one of ordinary skill in the art at the time of applicant's invention to keep track of incremental changes that would allow computation of an accumulated delta that reflect the series of incremental changes *(for a particular subject)* distributed to a particular subject given the benefit of a comprehensive update of each subject using a minimum of network bandwidth and a flexible update schedule.

13. Furthermore, there are essentially only a few possibilities to update current configuration *(such as policies)* in order to reflect the most current desirable state *(the most current overall configuration),* which could include multiple intermediate updates. The newest most current overall configuration settings could be used to overwrite the current configuration. The changes could be implemented gradually, or only the difference *(delta)* between the current and most updated overall configuration could be installed. *(The last one reads on the claimed limitations)* Any of these implementations, are obvious variations of each other. However, taking in consideration time and network bandwidth required to deliver and update all network subjects, the delta implementation would have been the most obvious choice.

Transferring less data via network minimize the use of the network bandwidth and less data to install speeds up the update process and minimize possibility of errors.

14. As per claims 25 and 29, incremental changes inherently include one or more of adding, deleting and amending.

15. As per claims 22-23 and 27-28, the table disclosed by *Donohue* in Fig. 2 reads on a policy tracking table. Furthermore, Official Notice is taken that it is old and well-known practice to store data in a table and using the stored data in reconstruction of a computer systems to a previous state. It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to reconstruct a computer state to the previous version using earlier stored and distributed data given the benefit of a quick troubleshooting of problems, potentially introduced by the data.

16. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over *Johnson (U.S. Patent No. 6295607)* in view of *Brownlie et al. (U.S. Patent No. 6202157)* and *Donohue (U.S. Patent 6199204)* and further in view of *Wang (U.S. Patent No. 5956521)*.

Johnson in view of *Brownlie et al.* and *Donohue* discloses that the policy manager and the policy distributor are hosted on a first server *(Brownlie et al., col. 3 lines 27-34, 54-56 and 61-63)*, the security engine and the application are hosted on a second node, and the first and second node are communicatively coupled to each other through the network *(col. 3 lines 61-63)*.

17. *Brownlie et al.* do not explicitly teach that the second node is a server.

Wang teach a plurality of nodes that are servers *(Wang, Fig. 3)*.

It would have been obvious to one of ordinary skill in the art at the time of applicant's enforceable security policy invention as disclosed by *Brownlie et al.* into systems with nodes that are servers as taught by *Wang*. One of ordinary skill in the art would have been motivated to perform such a modification in order to provide an enforceable flexible security policy for each network node including servers.

18. Claims 3-4 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over *Johnson (U.S. Patent No. 6295607)* in view of *Brownlie et al. (U.S. Patent No. 6202157)* and *Donohue (U.S. Patent 6199204)* and further in view of *TRCKA et al. (U.S. Pub. No. 20010039579)* and *Microsoft Press (Computer Dictionary, 3rd Edition, ISBN: 157231446XA, 1997).*

Johnson in view of *Brownlie et al.* and *Donohue* disclose the security engine for evaluating a request to access the application based on the set of the plurality of rules, as discussed above.

19. *Johnson* in view of *Brownlie et al.* and *Donohue* do not explicitly teach a plug-in application programming interface (API) for enabling communication between the application and the engine.

TRCKA et al. teach utilizing API to enable application communication *[101].*

It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to provide API for enabling communication between the application and the engine as taught by *TRCKA et al.* One of ordinary skill in the art would have been motivated to perform such a modification in order to code efficiency by allowing significant amount of code to be re-used *[103].*

20. Furthermore, *Microsoft* teaches a plug-in *(Microsoft Press, pg. 370)*.

It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to incorporate a plug-in API as taught by *Microsoft*. One of ordinary skill in the art would have been motivated to perform such a modification in order to provide additional functionality *(Microsoft, pg. 410)*.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

Hummel (U.S. Patent No. 6584454),

Butman (U.S. Patent No. 5867667),

Brown (U.S. Patent No. 6618806),

Graham (U.S. Patent No. 5826000),

Freund (U.S. Patent No. 5987611).

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Peter Poltorak whose telephone number is (571) 272-3840. The examiner can normally be reached Monday through Thursday from 9:00 a.m. to 4:00 p.m. and alternate Fridays from 9:00 a.m. to 3:30 p.m

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kambiz Zand can be reached on (571) 272-3811. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

KAMBIZ ZAND
PRIMARY EXAMINER

1/25/07